

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID AMROD,

Plaintiff,

vs

5:08-CV-464

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

LEGAL SERVICES OF CENTRAL NEW YORK
Attorneys for Plaintiff
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OFFICE OF REGIONAL GENERAL COUNSEL
Region II
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DAVID N. HURD
United States District Judge

OF COUNSEL:

CHRISTOPHER CADIN, ESQ.

SANDRA GROSSFIELD, ESQ.
Special Assistant U.S. Attorney

MARY ANN SLOAN, ESQ.
Chief Counsel, Region II

DECISION and ORDER

Plaintiff filed this action in April 2008, seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying his application for disability insurance benefits (“DIB”) and Supplemental Security Income (“SSI”). By Report-

Recommendation dated November 6, 2009, the Honorable David E. Peebles, United States Magistrate Judge, recommended that the plaintiff's motion for judgment on the pleadings be granted, the Commissioner's determination of no disability be vacated, and the matter be remanded to the Agency for further consideration. No objections have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

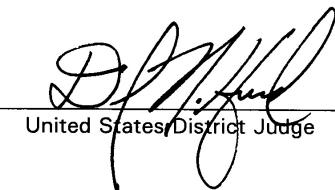
ORDERED that

1. The plaintiff's motion for judgment on the pleadings is GRANTED;
2. The Commissioner's determination of no disability is VACATED; and
3. This matter is REMANDED to the Agency for further proceedings in accordance

with the Report-Recommendation.

IT IS SO ORDERED.

Dated: January 5, 2010
Utica, New York.



United States District Judge